

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, October 9, 2007
7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

Mayor Parker called the meeting to order at 7:04 p.m. Present were Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner McIntee, and Commissioner Silverstone. Also present were Attorney James Cherof, Town Manager Esther Colon, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION, TOWN CHAPLAIN

Mayor Parker gave the Invocation.

Commissioner McIntee requested the removal of New Business Item 14C regarding use of Jarvis Hall on October 14, 2007, for CIC meeting with State Representative, Ellyn Bodganoff. He said Representative Bodganoff was not able to attend. There were no objections. Mayor Parker removed the item.

Mayor Parker removed Consent Agenda Item 11C, Application to use Jarvis Hall/Women's Club-Silver Tea as it had been previously approved. There were no objections.

Mayor Parker tabled New Business Item 14D, Discussion and/or action in relation to the Volunteer Fire Department to November 13, 2007. There were no objections.

4. PRESENTATIONS

a. Marine Biologist (Tabled from the September 25, 2007 meeting)

Chief Gooding introduced Michele Blackburn. Ms. Blackburn gave a background on her program. Nesting season is March through October and each nest is marked. She said there was a problem with the turtles going the wrong way in Broward County because they naturally go towards the light. She said the LBTS light ordinance did not seem to be enforced. She suggested shielding the lights to prevent light from shining towards the beach. Most of the residents and hotels have their lights on. Commissioner Silverstone said the Town would enforce the ordinance.

She suggested that even though people are not supposed to touch a sea turtle, it is ok to intervene. She suggested a call to the Broward Sheriff's Office to stop traffic and call the Sea Turtle Emergency number, 954-328-0580 and someone would come out to assist or give advise.

Vice Mayor Yanni asked if there was a certain type of lighting that could be used. Ms. Blackburn said turtles were attracted to white light, so red and orange lights would be better or, place a shield around the lights to direct the light away from the beach area.

b. Employee of the Month – September, 2007 (John Olinzock – Assistant to the Town Manager)

John Olinzack announced the selection of Neishka Smith as employee of the month for October 2007. He said Nikki became a permanent employee April 9, 2007 and had proven herself worthy of her position. He said she worked diligently to assist the residents of the town and was always willing to take on additional work.

c. Deputy of the Month – September, 2007 (Chief Gooding – Broward Sheriff's Office)

Deputy Terry Kyle responded, and held onto a shark victim until a paramedic arrived and the shark let go. For that reason Deputy Terry Kyle was awarded deputy of the month.

d. Employee of the Month – September, 2007 (Chief Sievers) – Broward Sheriff' Office – Fire Rescue)

Chief Sievers invited Al London to accept for Joel Armas who was nominated for employee of the Month. He said Mr. Armas broke the American swim record and specialized in water boards for ocean rescue. Chief Sievers said Mr. Armas was an asset to fire rescue. Al London said Mr. Armas was an excellent swimmer and had done a fantastic job in water rescue.

Mayor Parker amended the agenda to add an item as an action item under employee of the month to allow employee of the month the next day off.

Vice Mayor Yanni wanted to place it on the November 13, 2007 agenda. Mayor Parker wanted to add \$25 to have lunch on their day off.

Vice Mayor Yanni made the motion to allow the present Town employee, selected as Employee of the Month for September 2007, a day off. Mayor Parker seconded the motion. In a roll call vote, the motion carried 5-0.

5. REPORTS

a. Report on full response to structure fires in Lauderdale-By-The-Sea (Chief Sievers)

Chief Sievers reviewed his report and said a full rescue to a commercial structure fire would consist of 3 engines, 2 rescues, 1 ladder truck and 1 Battalion Chief. He added that a residential structure fire would have 3 engines, 1 rescue, and 1 Battalion Chief. Mayor Parker directed Chief Sievers to present another copy of the report and PowerPoint presentation at the November 13, meeting.

Commissioner Silverstone thought that Chief Sievers was to report on a full response for a high rise structure.

Commissioner McIntee said he requested a response to a person in 8G whose kitchen was on fire. He said the report Chief Sievers gave was related to a fire on Poinciana Street. Commissioner McIntee said he specifically asked for response related to 4900.

Mayor Parker thought Chief Sievers answered the question and chose a structure fire of a one story building. He said whatever response was sent to a one story building, at least that amount would be sent to a 15 story building.

Mayor Parker asked about the agreement with the City of Pompano Beach. Commissioner McIntee said that had nothing to do with this item and that was a new agenda item. Mayor Parker believed it was related.

Commissioner McIntee made a motion to overrule the chair. Seconded by Commissioner Silverstone.

Motion failed 3-2 with Vice Mayor Yanni, Mayor Pro Tem Clark, and Mayor Parker dissenting.

Mayor Parker asked Chief Sievers if there was an automatic aid agreement with the City of Pompano Beach if they would also respond to a structure fire. Chief Sievers said they would. Mayor Parker asked Chief Sievers to bring copies of the agreement and a presentation of exactly what was involved to the October 23, 2007 meeting. Chief Sievers agreed.

Mayor Parker said he had a problem with the Chief and Deputy Chief of a vendor, who is not a vendor of the city, but would like to replace the vendor of the city and promote the vendor that they run. He believed it was unethical and told Attorney Cherof he wanted to put on the October 23, 2007 meeting discussion and/or action regarding filing an ethics complaint with the Florida Ethics Commission against Commissioner Silverstone and Commissioner McIntee for repeated violations of their ethical obligations not to pursue their personal business through Town means, and conflict of interest.

Commissioner Silverstone asked Chief Sievers how much a contract with Pompano Beach automatic aid was and Chief Sievers said he believed it was \$24,400.

Vice Mayor Yanni wanted to know if there was a high rise fire at 4900 and the volunteers had to answer that call what equipment would be available. Chief Sievers said there were 3 vehicles available. Vice Mayor Yanni asked where mutual aid would come from. Commissioner Silverstone indicated a mutual aid agreement was made somewhere around 1985 with all the volunteer fire chiefs.

Chief Sievers clarified that automatic aid would come from Pompano Beach. He added that with mutual aid the Town of Lauderdale By-The-Sea would have to exhaust all resources before mutual would go into effect.

6. APPROVAL OF MINUTES

- a. September 11, 2007 Regular Commission Meeting
- b. September 14, 2007 Special Meeting and Public Hearing
- c. September 25, 2007 Regular Commission Meeting
- d. September 26, 2007 Special Commission Workshop

Mayor Parker made a motion to table to November 13, 2007 so he would have an opportunity to review them. The motion failed for lack of a second.

There were no additions, deletions or corrections to the meeting minutes.

Commissioner Silverstone made a motion to approve the minutes. Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

7. PUBLIC COMMENTS

Stuart Dodd began to talk about his web site with over 300 pictures and Mayor Parker said the Commission recently voted to not allow commercial advertising on TV. He asked Mr. Dodd to refrain.

There was discussion between the Commission as to whether advertising a website was against policy when nothing was being advertised for sale.

Stuart Dodd talked about item 14D and urged there be no conditions attached to bringing back the Volunteer Fire Department.

Nancy Demco announced her house was up for sale. She said the Angler family asked the Town of Lauderdale By-The-Sea to purchase the house as a historic building.

Bill Vitollo said he watched most meetings on TV and referred to the attack against a Commissioner trying to help the residents of the town. He suggested the problem with rentals be addressed and solved.

Frank Herrmann thanked Mr. Clark on his vote to give notice to the Broward Sheriff's Office. He announced that at the last meeting Mayor Parker talked for 19 minutes in favor of the volunteers return, and then voted no.

Diane Boutin asked the Commission to reconsider the decision to adopt the latest pavilion design to be constructed at Commercial Boulevard. She believed the design presented labor intensive maintenance that would be an invitation to hordes of pigeons.

L. Peanuts Wick said all parking spaces in El Prado had been lost as there were no sidewalks due to construction. He denied a statement on a blog on the internet that stated he was suspended from Holy Cross Hospital.

Joseph Padden, Pompano Beach resident, and a volunteer fireman in the Town of Lauderdale By-The-Sea since 1991, thanked the citizens in Lauderdale By-The-Sea for their support. He clarified that the volunteers were prepared to come back. Mr. Padden said at the time the volunteers were dismissed there were about ten trainees and a breathing apparatus they used in training was taken away from them. He asked for its return.

Mayor Parker recessed the meeting at 8:25. The meeting reconvened at 8:35 p.m.

8. ORDINANCES (2nd Reading) "Public Hearings"

- a. ORDINANCE NO. 2007-12 - Rentals:** AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, ADDING A NEW ARTICLE IV TO CHAPTER 6 OF THE TOWN CODE OF ORDINANCES ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR THE RENTAL OF RESIDENTIAL DWELLINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof)

Attorney Cherof read Ordinance 2007-12 by title only

Attorney Cherof explained that Ordinance 2007-12 was for short term rentals less than seven months. Mayor Parker believed was supposed to be less than 6 months. The minutes verified short term rentals were to be less than 6 months. Attorney Cherof amended Ordinance 2007-12 accordingly.

Mayor Parker opened the public hearing.

Pauline McGuiness asked if this Ordinance would affect condos. Mayor Parker thought an amendment could be done and Vice Mayor Yanni believed the condos should be exempt. Attorney Cherof said the intent of the Commission was to protect the basic liability of single family residential neighborhoods.

Birute Clotey indicated that her neighbor rented and was a noisy rental. She believed there should be some protection for the neighborhood.

Frank Herrmann asked if a duplex was considered a single family home.

Scott Bensch wanted clarification on whether a duplex was considered multifamily since they were attached. Mayor Parker said duplexes were used as buffers to single family homes.

Lisa Mitchell asked whether the Ordinance applied to apartment buildings. Mayor Parker said no. He said the Ordinance applied only to duplex units and single family homes.

Frank Herrmann suggested that single family home rentals be limited to two per year.

Peanuts Wick thought a 6 month minimum with a maximum of 2 per years was acceptable.

With no one else wishing to speak, Mayor Parker closed the public hearing.

Mayor Parker made a motion to amend the Ordinance to replace the Town Clerk as the collector of annual licensing to the Town on lines 25 & 32. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

Mayor Parker made another amendment on page 4, line 23, to read prohibition of short term rentals of single family homes and duplex units, and further on lines 25 and 26, short term rentals ie: rentals for a term of less than 6 months, of single family homes and duplex units are prohibited. Mayor Pro Tem Clark seconded the motion.

Commissioner McIntee believed such a motion would divide the Town and would be unenforceable. Development Services Director Rabinowitz said it was. He added that the idea of Ordinance 2007-12 was to keep the neighborhoods safer and if found in violation could be carried through to Code Enforcement.

Commissioner Silverstone believed condos were protected but single family homes don't have that protection. He wanted to amend the motion to include Town homes.

Attorney Cherof suggested the Commission table Ordinance 2007-12. He said he would rather add a definitions provision that would cover the type of residential units expressed.

Vice Mayor Yanni made a motion to table to October 23, 2007. Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

9. COMMISSIONER COMMENTS

Vice Mayor Yanni was surprised that people were getting tickets when they came to Jarvis Hall while there was a meeting or an event going on in Jarvis Hall. He wanted to place an item on the October 23, 2007 agenda to prohibit giving tickets during Jarvis Hall events in the Jarvis Hall parking lot. There were no objections.

Commissioner McIntee spoke with Mr. Hoffman, Chairman of the Hillsboro Inlet Commission, who indicated that Mayor Parker received benefits at \$389.99 a month.

Commissioner McIntee said at the last meeting the Mayor voted himself \$20,000 for the next five years, after he said he received no money from the Hillsboro Inlet.

Commissioner McIntee was distressed over the Town of Lauderdale By-The-Sea's debt and believed the Volunteer Fire Department would come back. He said that he and Commissioner Silverstone were stepping down as Fire Chief. Commissioner McIntee announced the Volunteer Fire Department was having a celebration and said the Citizens Initiative Committee was involved.

Commissioner Silverstone thanked the volunteer fire department for throwing a great picnic. He referenced the pavilion on Commercial Boulevard and thought it was too late to go back, but should be looked at closely. Commissioner Silverstone believed a lot of positive meetings had taken place. He talked about the way the Mayor set him up regarding the Volunteer Fire Department and thought that in itself was an ethics violation. He thanked Mayor Pro Tem Clark for voting on the Broward Sheriff's Office contract.

Mayor Pro Tem Clark said he was on the losing side of the pavilion choice. He said the reason he voted in favor of putting the Broward Sheriff's Office on notice was to get the numbers. Mayor Pro Tem Clark preferred a combination of professional firefighters and volunteers, but would chose the professionals if he had to make a choice. Mayor Pro Tem Clark supported the idea of not giving tickets to people attending Jarvis Hall events and thought the Commission should be careful and not just say that everything was for Jarvis Hall events.

Mayor Parker announced the Halloween party for children in Jarvis Hall on October 31, 2007. He added there would be a costume contest for different age groups. Mayor Parker said Tom Carr had inquired what Hillsborough Inlet Commission representative was paid and he told him he received no pay. He said he was not asked about benefits. Mayor Parker did not believe there was an ethics violation. Mayor Parker said he would rather have the pavilion chosen than none at all.

Mayor Parker said that at the last meeting, he asked Commissioner McIntee whether his motion included having the Fire Chief appointed by the Town Manager or by the Town Commission and Commissioner McIntee said it was not. He said Commissioner McIntee said the Fire Chief would be chosen by the Volunteer Fire Department the way it always was. Mayor Parker said the volunteers left the Town of Lauderdale-By-The-Sea because they refused to submit to third party oversight control. Mayor Parker said it was an ethics violation that both Commissioner McIntee and Commissioner Silverstone voted to replace an existing vendor with a vendor in which they worked for and received pay from.

10. ORDINANCES *(1st Reading)*

11. CONSENT AGENDA

Mayor pulled items 11a, 11d, 11e, and 11g for discussion.

Commissioner Silverstone made a motion to move Old Business, item 13a, out of order for discussion. Commissioner McIntee seconded the motion.

Old Business Item 13a: Staff has received a request for an additional time extension (unspecified duration) for the Duval Townhomes project located at 4209 and 4215 Seagrape Drive (See attached memorandum and applicant's justification letter) (Tabled from the September 14, 2007 Meeting) (Frank Rabinowitz)

Frank made a recommendation for the Commission to approve a six month extension. Vice Mayor Yanni made a motion to grant a six month extension Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

Commissioner Silverstone made a motion to approve items 11b and 11f. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

- a.** Commission approval for parking permits for use of right-of-way during construction activity at Beach Restaurants, Inc., 101 E. Commercial Blvd. (Mulligan's) (John Olinzock – Assistant to the Town Manager)

Assistant to the Town Manager Olinzock, explained the contractors wanted to park closer to the construction site. He recommended charging \$20 per day for the permitted use.

Commissioner McIntee suggested trying it for two months and offer alternative parking. Mr. Olinzock said they requested 8 spaces for 8 weeks of temporary parking relief.

Mayor Pro Tem Clark liked the idea of allowing them to use the new parking lot. Commissioner McIntee made a motion to offer the new parking lot at \$20 a day, per space, for any part of 7 days a week with a minimum of 5 days. Mayor Parker seconded the motion.

Vice Mayor Yanni said he believed the reason the Town of Lauderdale-By-The-Sea's parking lot was empty was because the parking lot on A1A by Mac's Groves had free parking day and night. He felt as long as they were offering free parking the Town of Lauderdale-By-The-Sea would not receive revenue. Vice Mayor Yanni suggested the Commission require them to rope off the lot or advertise tow signs. Vice Mayor Yanni suggested it be placed on the agenda pending a report from Attorney Cherof next week.

In a roll call vote, the motion carried 5-0.

- b.** Commission approval of 10 parking permits for Broward County Association of Student Council/Ocean Watch Beach Cleanup, Saturday November 17, 2007, 8:00 a.m. until 2:00 p.m., Bougainvillea Drive parking lot. (John Olinzock – Assistant to the Town Manager)
- c.** Application to use Jarvis Hall/Women's Club-Silver Tea February 1, 2008, 11:00 a.m. to 2:00 p.m. (John Olinzock – Assistant to the Town Manager)

This item was removed earlier in the evening.

- d. Special Events Application – A1A Marathon, February 17, 2008, 6:00 a.m. to 12:00 p.m. (John Olinzock – Assistant to the Town Manager)

Manager Colon explained that this event had taken place every year and used one lane along El Mar Drive for approximately 2 ½ hours.

Commissioner McIntee made a motion to accept the application. Commissioner Silverstone seconded.

Mayor Parker wanted to know how much of El Mar Drive would be used and for how long will El Mar drive be closed down? Chief Gooding explained one lane would be blocked off from 5:30 am to 11:00 am. He assured Mayor Parker that the people would always get in and out.

In a roll call vote, the motion carried 5-0.

- e. Special Event Application – Marie White's Santa-By-The-Sea (John Olinzock – Assistant to the Town Manager)

L. Peanuts Wicks said last year the Town waived the \$100 deposit and asked to have it waived again.

Commissioner McIntee made a motion to waive the \$100 deposit. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

Mayor Pro Tem Clark made a motion to approve the Special Event Application as amended. Mayor Parker seconded the motion.

Mr. Wicks asked the Commission to recommend that Broward Sheriff's Office Fire waive the \$160 fee for fire and rescue emergency service.

Mayor Parker made a motion to request Broward Sheriff's Office Fire waive the \$160 fee for fire and rescue emergency service. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

In a roll call vote, the motion to approve the Special Event Application as twice amended carried 5-0.

- f. Jarvis Hall Application – Lions Club November 17, 2007, 9:00 a.m. to 11:00 a.m. (John Olinzock – Assistant to the Town Manager)
- f. Application for use of Jarvis Hall – By-The-Sea Times – Change of Dates (John Olinzock – Assistant to the Town Manager)

Assistant to the Town Manager John Olinzock explained that By-The-Sea-times requested use of Jarvis Hall on December 12, 2007, and January 14, 2007.

There was discussion regarding agreed dates available for use of Jarvis Hall and the number of debated events.

Mayor Pro Tem Clark made a motion to table to the October 23, 2007 meeting. Mayor Parker seconded the motion. In a roll call vote, the motion carried 4-1 with Commissioner Silverstone dissenting.

12. RESOLUTION

13. OLD BUSINESS

- a. Staff has received a request for an additional time extension (unspecified duration) for the Duval Townhomes project located at 4209 and 4215 Seagrape Drive (See attached memorandum and applicant's justification letter) (Tabled from the September 14, 2007 Meeting) (Frank Rabinowitz)

This item was discussed prior to consent agenda.

14. NEW BUSINESS

- a. Review the Jarvis Hall Use Ordinance (Tabled from the September 11, 2007 Meeting) (Town Attorney)

Attorney Cherof said this item was on the agenda for discussion because there were a lot of exemptions and clarifications and requests for other uses. He suggested a schedule of fees be blended into the Ordinance so that they would be readily available.

Attorney Cherof suggested the Commission take some time to review and discuss modifications.

Mayor Parker moved to delay the discussion to the October 23, 2007 meeting.

Commissioner McIntee made a motion to table to November 27, 2007. Commissioner Silverstone seconded the motion. Brief discussion followed and Commissioner McIntee agreed to table to November 13, 2007. In a roll call vote, the motion carried 5-0.

- b. Discussion by recall to respond to Vice Mayor Yanni's comments in which Barbara Cole was named on September 25, 2007 Commission Meeting (Commissioner Silverstone)

Commissioner Silverstone said he received a call from Barbara Cole requesting permission to respond to Vice Mayor Yanni's comments at the September 24, 2007 meeting.

Mayor Parker ruled item 13b as an inappropriate agenda item and he did not allow it.

Commissioner McIntee made a motion to overrule the Chair. Commissioner Silverstone seconded the motion. The motion failed 3-2 with Commissioner McIntee and Commissioner Silverstone dissenting.

- c. Discussion and/or action regarding use of Jarvis Hall on October 14, 2007, for CIC meeting with State Representative, Ellyn Bodganoff (Commissioner McIntee)

This item was removed earlier in the evening.

- d. Discussion and/or action in relation to the Volunteer Fire Department (Commissioner Clark)

This item was tabled earlier in the evening.

- e. Discussion and/or action for Web Master by RFP (Mayor Parker)

Mayor Parker said Manager Colon indicated that a contract had been granted to Sunny Eckerd, the present vendor without going out for Request for Proposals. He said it had gone out to a Request for Proposals and was awarded to the middle bidder, which was the present vendor.

Mayor Parker made a motion to renew the contract with the present vendor.

Mayor Pro Tem Clark asked Manager Colon's opinion and Manager Colon responded that she preferred an employee did the job, rather than pay an outside vendor \$90 an hour. She added that if the Commission wanted bids she would get bids. Manager Colon added that the selection of the Web Master was put on the agenda as a Resolution under the Consent Agenda and indicated that if bids had gone out, there was no record of them.

Discussion followed regarding the need for a Web Master, the existence of bids, and/or a contract with Manager Colon indicating that the only official document that selected a vendor was Resolution 03-1591.

Commissioner Silverstone was aware of changes to web pages and asked if the Town of Lauderdale-By-The-Sea currently had the authority to change the content on the web page. Manager Colon said they did not. She added that with the Granicus project, and approved by the Commission, the web page would be turned over internally and changed to a different IPO address. She added that the Town of Lauderdale-By-The-Sea's web page would be on the server in Town Hall and updated by Town staff, Manager Colon added that town staff would put the minutes on the web pages rather than sending them to an outside Web Master to do it.

The motion to renew the present contract died for lack of a second.

f. Special Assessment for Palm Club or in the alternative deed the road to the Town (Mayor Parker)

Mayor Parker said the agreement was to supply sewers and redo the road. He pointed out that the Palm Club roads were private roads. He believed that if the roads were upgraded at the public's expense then the roads should be made available for public use.

Mayor Parker made a motion to propose a choice be given to Palm Club to pay for the improvements or deed the roads to the Town of Lauderdale-By-The-Sea and open them to the public. Mayor Pro Tem Clark seconded the motion for discussion.

Mayor Pro Tem Clark suggested to tabling this item to November 27, 2007 as the people with the decision making authority for Palm Club was not available for discussion.

Commissioner McIntee said he spoke with the Vice President of Palm Club and pointed out that Sunset Lane was also a private roadway. Commissioner McIntee asked Mr. Thompson to search his memory as to whether discussion was made on the Palm Club sewers when the North Beach Civic Association Agreement was made. Mr. Thompson said his recollection of the agreement was signed August of 2000, and in October 2003 the Town Engineer talked about the Palm Club and Sunset Lane, and also two lift stations on the other side of A1A. He said the Mayor had indicated at that time that it was coming off the agenda. Mr. Thompson indicated he had minutes that contained a report by Vice Mayor Kennedy that said Palm Club would get their sewers but would have to pay for the roadways.

Mayor Parker said the understanding during the annexation was to bring sewers to the front of the road of every property owner in North Beach. He said Sunset Lane was 10 or 12 lots in a row and the only way to bring the sewers in was to tear up the road in front and put them in. Mayor Parker added that even though Sunset Lane was a privately owned road, it was not a private road and was open to the public.

Mayor Parker admitted that when he understood the agreement he understood it wrong. He said he was led to believe that Palm Club was divided into 100 different lots and that the sewers could be put in the utility easement, which was publicly owned. Mayor Parker said when he noticed the Town of Lauderdale-By-The-Sea was resurfacing their road at a cost of one million dollars, he talked to Town Engineer Kevin Hart who explained they had to put the sewers in the roadway because they could not be put in the utility easement.

Commissioner Silverstone thought Mayor Parker was too smart not to know the facts regarding Palm club. He believed Palm Club should be made responsible for their roads.

Commissioner McIntee made a motion to table to November 27, 2007. Mayor Pro Tem Clark seconded to second the motion. In a roll call vote, the motion carried 5-0.

- g.** Discussion and/or action appointing two (2) board members to the Volunteer Fire Department Pension Board (Commissioner Silverstone)

Mike San Miguel, Secretary Volunteer Fire Department Pension recommended Mr. William Wayhmueller and Robert Polyasko.

Mayor Parker made a motion to reappoint William Wayhmueller and Robert Polyasko to the Volunteer Fire Department Pension Board.

Commissioner McIntee seconded with question to Silverstone. Asked Mr. San Miguel ...

Mr. San Miguel explained the Board received surtax from the insurance that was divided into two parts; casualty and fire. He said a portion of the fire went to the Sheriff.

Commissioner Silverstone wanted to know what the highest benefit a retired fire fighter was paid. Mr. San Miguel believed it was \$10.

Mayor Parker thought the questioning was outside the purpose of the agenda item. Discussion continued with Commissioner McIntee wanting to hear the answer to his question.

Commissioner McIntee moved to over rule the chair. Commissioner Silverstone seconded the motion. The motion carried 5-0.

Commissioner McIntee wanted to know the average pay per year for the average fire fighter. Mr. San Miguel said the average pay was \$145 per month.

In a roll call vote, the motion carried 5-0.

- h.** Discussion and/or action regarding conflict with the December 11, 2007 Commission Meeting and Hanukkah (December 5th thru 12th) (June White – Town Clerk)

Clerk White suggested the meeting take place on either December 13, 2007 or December 14, 1007. Mayor Parker distributed information regarding Florida Statutes that described official holidays and pointed out that Hanukkah was not on the list.

Commissioner McIntee made a motion to change the meeting date from December 11, 2007 to December 13, 2007. Commissioner Silverstone seconded the motion.

Mayor Parker made a motion amend the motion to hold two meetings in December on Tuesday, December 4, 2007 and Tuesday, December 18, 2007. The motion died for lack of a second.

In a roll call vote, the motion carried 5-0.

- i. Discussion and/or action regarding location of Utilities at the Royal Palms located on Seagrape Drive (John Olinzock – Assistant to the Town Manager)

Assistant to the Town Manager Olinzock indicated he had attended a meeting on October 2, 2007 with Florida Power and Light. He added that as a result two options were set forth; to continue to abide by the policy of the easement for utilities with “right tree, right place” or, put the utilities underground at the tree location. Mr. Olinzock pointed out that to put the lines underground, three additional poles would be needed and would cost the town an additional \$16,000.

As another option, he proposed a certified arborist maintain the trees. He added that at a cost of \$2,000 it would be less costly.

Happy Vasil said she did not like so many poles in front of her house. She said she would be satisfied with an arborist to maintain her trees.

Commissioner Silverstone suggested the Town of Lauderdale-By-The-Sea use the same service the Town used to maintain the Palm trees on Commercial Boulevard. Manager Colon said she would look into it.

Commissioner McIntee made a motion to spend \$2,000 for a maximum of one year to maintain Ms. Vasil’s trees. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

Commissioner Silverstone made a motion to go past 11:00 p.m. Mayor Parker seconded the motion. In a roll call vote, the motion carried 5-0.

- j. Discussion and/or action regarding reappointment of Mayor Oliver Parker to the Hillsboro Inlet Commission (Commissioner Silverstone)

Commissioner McIntee made a motion to rescind the appointment of Mayor Parker to the Hillsboro Inlet Commission. Commissioner Silverstone seconded.

Vice Mayor Yanni questioned whether the rescind needed to be done at the same meeting and Attorney Cherof said it could be made at any time as long as there was no action on whatever the approval was.

Commissioner McIntee made a motion to place on this item on the November 27, 2007 agenda to rescind the appointment.

Mayor Parker said he would treat the agenda item as actually stating discussion and/or action regarding rescinding the appointment.

Commissioner McIntee said he was not requesting to adjourn it November 27, 2007 as he needed additional time to research. Commissioner Silverstone seconded the motion

Discussion followed as to the proper way to place the item to rescind.

Commissioner Silverstone withdrew his second.

Mayor Parker clarified the motion as “discussion and/or action rescinding the appointment of Mayor Parker to the Hillsboro Inlet Commission”.

15. TOWN MANAGER REPORT

Manager Colon said she sent a memorandum stating that the Town Topics would be distributed in bulk to the condominiums with a savings of approximately \$4,000 a year. She added that another memorandum indicated the Town saved \$2000 in postage by changing the mailing list provider. Mayor Parker thought the Town Topics would be dumped in the condominiums. He thought that perhaps the Town Topics could be mailed to the condo units during the summer months only and wanted to put it on the agenda for discussion.

Manager Colon said that Bank United informed the Town of Lauderdale-By-The-Sea they will not renew their parking agreement while free parking is available in Town. Manager Colon added that the Florida Department of Transportation informed the Town that the request to put a flag pole in the entryway at Town Hall would not be permitted because a crosswalk would be required to lower and raise the flag daily. She said in order to go ahead with the project the Town of Lauderdale-By-The-Sea would have to put in a retractable flag pole and a design inspect would need to be sent to the Florida Department of Transportation for review and would cost approximately \$53,000, without any guarantees the project would be approved.

The consensus of the Commission was to ditch the flag pole.

Manager Colon said parking and hardship permits were renewed October 1st of every year. She said she had discovered that some permits were issued without the collection of fees and indicated she would not waive any fees until the Commission changed the Ordinance. Manager Colon explained that pertaining to parking permits, parking tickets, or any other enforceable Ordinance, staff would enforce as per Ordinance, including the fees in place.

In response to Peanut Wicks, staff met with Mintos, the contractor for El Prado parking lot, and requested beach access be made available to residents. She said a temporary sign will be placed at the job site and noticed on channel 78.

Mayor Parker remembered asking for discussion and/or action on the next agenda regarding putting up a sign at the new parking lot on A1A. Manager Colon said she was looking into that also and would be on the October 23, 2007 agenda.

Mayor Parker said he was also seeking to obtain permission to have an entrance to that parking lot on A1A. Manager Colon said she researched that and the Florida Department of Transportation would not allow it. She said if the Commission wanted to discuss it again with Florida Department of Transportation she believed the

Commission would get the same response. Mayor Parker wanted to discuss it and see what the options were at the October 23, 2007 meeting.

16. TOWN ATTORNEY REPORT

17. PUBLIC COMMENTS (remaining members of the public to speak at this time)

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission Mayor Parker adjourned the meeting at 11:20 p.m.

Mayor Oliver Parker

ATTEST:

Town Clerk, June White

Date